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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,289	07/03/2001	Geoffrey G. Zweig	YOR920010253US1	2216

7590 08/04/2003

Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560

EXAMINER

KNAPP, JUSTIN R

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 08/04/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/898,289

Applicant(s)

ZWEIG ET AL.

Examiner

Justin Knapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Papers Submitted*

1. It is hereby acknowledged that the following papers have been received and placed of record in the file: Information Disclosure Statement as received 05/20/02; Declaration as received 01/23/02; Drawings as received 09/05/01.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-8, 10-12, 14-19, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Adler, et al (herein referred to as Adler), US Patent Number 6,342,901.

4. Referring to method claim 1, apparatus claim 12, and manufacture claim 23, Adler teaches at least one processor operative to: (i) identify at least one regularly identifiable expression in the input sequence of data symbols; (ii) identify at least a portion of information associated with the at least one regularly identifiable expression; and (iii) extract the portion of information; and memory, operatively coupled to the at least one processor, for storing at least a portion of results associated with the identifying and extracting operations.

To further explain, Adler teaches that cue words which are “regularly identifiable expressions” (column 16, lines 10-20 and column 17, lines 40-51) are used to identify portions of information

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within a message (such as the person's name or phone number). Pointers are then used to mark those parts of the message. The parts of the message pointed to can then be extracted and stored (see Figure 13, elements 1312 through 1332 and column 15, line 63 through column 20, line 59).

5. Referring to method claim 3 and apparatus claim 14, Adler teaches wherein the at least one processor is further operative to normalize the input sequence of data symbols prior to identifying the regularly identifiable expression. Adler teaches that when a document is scanned, handwritten messages are converted or normalized to a machine-readable format and then stored in a database. They can then be identified. (see column 13, lines 22-36)

6. Referring to method claim 4 and apparatus claim 15, Adler teaches wherein the at least one processor is further operative to identify one or more classes of data symbols in the input sequence prior to identifying the regularly identifiable expression. A variety of classes such as a name class or a phone number class are identifiable and stored in a database.

7. Referring to method claim 5 and apparatus claim 16, Adler teaches wherein the at least one regularly identifiable expression comprises a characteristic phrase that typically precedes a particular portion of information. (see column 20, lines 45-56)

8. Referring to method claim 6 and apparatus claim 17, Adler teaches wherein the at least one regularly identifiable expression comprises a characteristic phrase that typically follows a particular portion of information. (see column 20, lines 45-56)

9. Referring to method claim 7 and apparatus claim 18, Adler teaches wherein the extracted portion of information is used to take a specified action. Adler teaches a number of actions that can be performed once the information is extracted. (see column 17, lines 18-31)

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10. Referring to method claim 8 and apparatus claim 19, Adler teaches wherein the extracted portion of information is at least one of visually and audibly presented to the user. Figure 13, elements 1326, 1328, and 1332 show that extracted information is playable for the user to listen to.

11. Referring to method claim 10 and apparatus claim 21, wherein the input sequence of data symbols is representative of at least one of text data, transcribed spoken data, deoxyribonucleic acid sequence data, ribonucleic acid sequence data, amino-acid sequence data, audio sequence data, and video sequence data. As taught herein above, Adler teaches an input sequence of audio sequence data.

12. Referring to method claim 11 and apparatus claim 22, wherein the input sequence of data symbols is representative of a voice mail message. (see column 18, examples 1, 2, and 3)

13. Referring to claim 24, Adler teaches an apparatus comprising:

a data capture device for obtaining the input sequence of data symbols (see figure 2, elements 226, 228, 238);

at least one processor, operatively coupled to the data capture device, operative to: (i) identify at least one regularly identifiable expression in the input sequence of data symbols; (ii) identify at least a portion of information associated with the at least one regularly identifiable expression; and (iii) extract the portion of information (as taught supra);

memory, operatively coupled to the at least one processor, for storing at least a portion of results associated with the identifying and extracting operations (see figure 2, element 214); and

a data output device, operatively coupled to the at least one processor, for presenting the extracted portion of information to a user (see figure 2, elements 230 and 216).

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 2, 9, 13, 20, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adler.

16. Referring to method claims 2 and 25 and apparatus claim 13, Adler does not explicitly teach wherein the regularly identifiable expression identifying operation comprises comparing the input sequence of data symbols to one or more regularly identifiable expressions, previously stored in the memory, to determine if there is a match between a portion of the input sequence and at least one of the previously-stored regularly identifiable expressions. However, Adler, as taught supra, uses cue words to identify portions of a message. It would have been obvious to one of ordinary skill in the art at the time the invention was made that Adler's cue words would have to be stored in memory ahead of time and used for comparing incoming data for the purpose of identifying whether input data is a cue word or not.

17. Referring to method claim 9 and apparatus claim 20, Adler does not explicitly teach wherein the regularly identifiable expression identifying operation is performed in accordance with one or more programs written in one of the flex, lex, and perl programming language. Adler does not teach what programming languages are used in the system taught. However, it would have been obvious to one of ordinary skill in the art that identifying operation programs

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would be able to be written in a variety of programming languages for the purpose of adding flexibility to the system.

*Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made. Applicant must also show how the amendments avoid such references and objections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Knapp whose telephone number is (703) 308-6132. The examiner can normally be reached on Mon - Fri 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (703) 308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Justin Knapp  
Examiner  
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jk

July 29, 2003



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